

State of Utah  
Administrative Rule Analysis

## NOTICE OF PROPOSED RULE

- \* The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- \* Please address questions regarding information on this notice to the agency.
- \* The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- \* The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:				
State Admin Rule Filing Id:		Time filed:				
		<b>Agency No.</b>		<b>Rule No.</b>		<b>Section No.</b>
<b>Utah Admin. Code Ref (R no.):</b>	<b>R</b>	156	-	22	-	
<b>Changed to Admin. Code Ref. (R no.):</b>	<b>R</b>		-		-	
<b>1. Agency:</b>	Commerce/Division of Occupational and Professional Licensing					
<b>Room no.:</b>						
<b>Building:</b>	Heber M. Wells Building					
<b>Street address 1:</b>	160 East 300 South					
<b>Street address 2:</b>						
<b>City, state, zip:</b>	Salt Lake City UT 84111-2316					
<b>Mailing address 1:</b>	PO Box 146741					
<b>Mailing address 2:</b>						
<b>City, state, zip:</b>	Salt Lake City UT 84114-6741					
<b>Contact person(s):</b>						
<b>Name:</b>	<b>Phone:</b>	<b>Fax:</b>	<b>E-mail:</b>			
Rich Oborn	801-530-6767	801-530-6511	roborn@utah.gov			

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

<b>2. Title of rule or section (catchline):</b>	Professional Engineers and Professional Land Surveyors Licensing Act Rule
<b>3. Type of notice:</b>	New ___; Amendment XX; Repeal ___; Repeal and Reenact ___
<b>4. Purpose of the rule or reason for the change:</b>	The Division and Professional Engineers and Professional Land Surveyors Licensing Board are proposing amendments to provide further definition of engineering work that is incidental to the practice of architecture, make a minor technical change and reduce requirements for waiving of an exam for applicants for licensure by endorsement.
<b>5. This change is a response to comments from the Administrative Rules Review Committee.</b>	No XX; Yes ___
<b>6. Summary of the rule or change:</b>	Section 102: The proposed amendments add language that allows architects to engage in engineering work that is incidental to the practice of architecture if it affects an area not exceeding 3,000 square feet when structural elements of a building are not changed. A similar proposed amendment being made to R156-3a-102 allows engineers to engage in architectural work that is incidental to the practice of engineering if it affects an area not exceeding 3,000 square feet when structural elements of a building are not changed. Section 302d: Amendment to paragraph (3)(b) is a minor wording change. Under paragraph (4)(a)(ii), an applicant for licensure by endorsement as a professional engineer must have been licensed for at least 20 years in order to qualify for waiving of the National Council of Examiners in Engineering and Surveying (NCEES) Principles and Practice of Engineering (PE) Examination. The Board and Division feel this requirement is overly restrictive and propose that 10 years of licensure be adopted as a more reasonable standard.
<b>7. Aggregate anticipated cost or savings to:</b>	
<b>A) State budget:</b>	
<b>Affected:</b>	No ___; Yes XXX
The Division will incur minimal costs of approximately \$100 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.	
<b>B) Local government:</b>	

<b>Affected:</b>	No <input type="checkbox"/> XXX; Yes <input type="checkbox"/>	
The proposed amendments only impact architects, professional engineers and applicants for the professional engineer license. As a result, the proposed amendments do not apply to local governments.		
<b>C) Small businesses</b> ("small business" means a business employing fewer than 50 persons):		
<b>Affected:</b>	No <input type="checkbox"/> ; Yes <input checked="" type="checkbox"/> XX	
The proposed amendments only impact architects, professional engineers and applicants for the professional engineer license. The proposed amendments to the definition of incidental practice allow architects to engage in engineering work that is incidental to the practice of architecture if it affects an area not exceeding 3,000 square feet when structural elements of a building are not changed. Under this amendment, some architects will experience a financial benefit because it allows them to provide some incidental engineering services that they are unable to provide under the current rule. In these cases, some architectural firms may experience a financial benefit; however, the Division is unable the estimate the extent of the benefit. Reducing the number of years of licensure required to waive the PE exam requirement results in a quicker and less expensive path to licensure by endorsement for a small number of applicants for the professional engineer license. In these cases, some engineering firms may experience a financial benefit; however; the Division is unable the estimate the extent of the benefit.		
<b>D) Persons other than small businesses, businesses, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):		
<b>Affected:</b>	No <input type="checkbox"/> ; Yes <input checked="" type="checkbox"/> XX	
The proposed amendments only impact architects, professional engineers and applicants for the professional engineer license. The proposed amendments to the definition of incidental practice allow architects to engage in engineering work that is incidental to the practice of architecture if it affects an area not exceeding 3,000 square feet when structural elements of a building are not changed. Under this amendment, some architects will experience a financial benefit because it allows them to provide some incidental engineering services that they are unable to provide under the current rule. In these cases, some architectural firms may experience a financial benefit; however, the Division is unable the estimate the extent of the benefit. Reducing the number of years of licensure required to waive the PE exam requirement results in a quicker and less expensive path to licensure by endorsement for a small number of applicants for the professional engineer license. In these cases, some engineering firms may experience a financial benefit; however; the Division is unable the estimate the extent of the benefit.		
<b>8.</b>	<b>Compliance costs for affected persons:</b>	
The proposed amendments only impact architects, professional engineers and applicants for the professional engineer license. The proposed amendments to the definition of incidental practice allow architects to engage in engineering work that is incidental to the practice of architecture if it affects an area not exceeding 3,000 square feet when structural elements of a building are not changed. Under this amendment, some architects will experience a financial benefit because it allows them to provide some incidental engineering services that they are unable to provide under the current rule. In these cases, some architectural firms may experience a financial benefit; however, the Division is unable the estimate the extent of the benefit. Reducing the number of years of licensure required to waive the PE exam requirement results in a quicker and less expensive path to licensure by endorsement for a small number of applicants for the professional engineer license. In these cases, some engineering firms may experience a financial benefit; however; the Division is unable the estimate the extent of the benefit.		
<b>9.</b>	<b>A) Comments by the department head on the fiscal impact the rule may have on businesses:</b>	
The proposed amendment clarifies the definition of the term "incidental practice" to incorporate a statutory licensing exemption that allows for any person to design, alter, or repair a portion of an existing building, under specified circumstances, without holding an engineer or land surveyor license. No compliance is required; therefor, businesses will not experience any compliance-related costs. Businesses that choose to operate under the licensing exemption may recognize new revenues, which will vary and cannot be estimated.		
<b>B) Name and title of department head commenting on the fiscal impacts:</b>		
Francine A. Giani, Executive Director		
<b>10.</b>	<b>This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.</b>	
<b>State code or constitution citations (required)</b> (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :		
Section 58-22-101		Subsection 58-1-106(1)(a)
Subsection 58-1-202(1)(a)		
<b>11.</b>	<b>This rule adds, updates, or removes the following title of materials incorporated by references</b> (a copy of	
materials incorporated by reference must be submitted to the Division of Administrative Rules; <i>if none, leave blank</i> ):		

	First Incorporation	Second Incorporation
<b>Official Title of Materials Incorporated (from title page)</b>		
<b>Publisher</b>		
<b>Date Issued</b>		
<b>Issue, or version</b>		
<b>ISBN Number (optional)</b>		
<b>ISSN Number (optional)</b>		
<b>Cost of Incorporated Reference</b>		
<b>Action: Adds, updates, or removes</b>		
(If this rule incorporates more than two items by reference, please attach additional pages)		
<b>1</b>	<b>The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request	
<b>2.</b>	a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
	<b>A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):</b>	01/16/2013
	<b>B) A public hearing (optional) will be held:</b>	
	<b>On (mm/dd/yyyy):</b>	<b>At (hh:mm AM/PM):</b>
	01/16/2013	9:00 am
		<b>At (place):</b>
		160 East 300 South, Conference Room 474, Salt Lake City, Utah
<b>1</b>	<b>This rule change may become effective on (mm/dd/yyyy):</b>	
<b>3.</b>	01/23/2013	
	NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	
<b>1</b>	<b>Indexing information -- keywords</b> (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid"); may not include the name of the agency:	
<b>4.</b>	professional land surveyors	professional engineers
	professional structural engineers	
<b>1</b>	<b>Attach an RTF document containing the text of this rule change</b>	
<b>5.</b>	(filename):	R156-22.pro
<b>To the agency:</b> Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.		
<b>AGENCY AUTHORIZATION</b>		
<b>Agency head or designee, and title:</b>	Mark B. Steinagel, Director	<b>Date (mm/dd/yyyy):</b> 11/26/2012